UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-7630

DAVID HARRISON,

Petitioner - Appellant,

versus

STATE OF SOUTH CAROLINA; HENRY MCMASTER,

Respondents - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Anderson.   Henry F. Floyd, District Judge. (CA-03-1423-8-26-BI)

Submitted:  March 30, 2005          Decided:  April 13, 2005

Before WILLIAMS, GREGORY, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

David Harrison, Appellant Pro Se. Donald John Zelenka, Chief Deputy Attorney General, Columbia, South Carolina, for Appellees.

PER CURIAM:

On August 19, 2004, this court denied a certificate of appealability and dismissed David Harrison's appeal of a district court order denying his petition for writ of habeas corpus. See Harrison v. South Carolina, No. 04-6489 (4th Cir. Aug. 19, 2004) (unpublished). Following the issuance of this court's opinion, Harrison filed a motion for a certificate of appealability in the district court. The district court noted this court's adjudication of Harrison's appeal and denied the motion on October 18, 2004. The clerk of the district court then filed Harrison's motion for a certificate of appealability as a notice of appeal and forwarded the record to this court. Harrison has filed an informal brief requesting a certificate of appealability.

To the extent Harrison seeks a certificate of appealability, the court has previously considered this request and denied it. Accordingly, we decline to consider the request, as it is duplicative. To the extent Harrison's motion could possibly be construed as a notice of appeal, such notice would clearly be untimely. See Fed. R. App. P. 4(a). Accordingly, we dismiss the appeal.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED